

REMARKS

This application has been carefully reviewed in view of the above-referenced Office Action, and reconsideration is requested in view of the following remarks.

Regarding the Rejections under 35 U.S.C. §102

All claims have been rejected as anticipated by the Candelore reference of record. Applicant respectfully traverses the rejection as follows,

As taught by Candelore, content is dual (or multiple) selectively encrypted and stored as such (col. 5, lines 25-30). When VOD content is ordered by a subscriber, one or the other of the encrypted content is stripped away so that only a single selectively encrypted set of content is transmitted (col. 5, lines 42-56).

However, this is not what is claimed in Applicants claims. Consider claim 1 by way of example. Claim 1 calls for:

“determining that the subscriber terminal is able to decrypt content encrypted under the first encryption system or under a second encryption system;” and “if the subscriber terminal is able to decrypt the content encrypted under the first encryption system, then routing a selection of content that has been encrypted under the first encryption system to the subscriber terminal”.

Thus, no change in the encrypted content takes place if the subscriber can decrypt the content under the first encryption system. This clearly means that the content is originally stored encrypted under the first encryption system.

Next, the claim calls for “if the subscriber terminal is able to decrypt the content encrypted under the second encryption system, then: decrypting the selection of content encrypted under the first encryption system to produce clear content; encrypting the selection of content under the second encryption system to produce a re-encrypted selection of content; and routing the re-encrypted selection of content to the subscriber terminal.”

That is, if the subscriber terminal uses the second decryption system, the content is first decrypted using the first decryption method, and then re-encrypted using the second encryption method (thus rendering the content compatible with the second decryption system). The content can then be routed to the subscriber who can properly decrypt the content, and the content is not

Application No.: 10/764,202

exposed to interception in the clear. (Thus, for a subscriber with the second decryption system encryption takes place on the basis of a session demand, but the content is already encrypted if requested by a subscriber having the first decryption system).

Upon analysis of the claim language, it is clear that 1) content is not stored in multiple encrypted form as taught by Candelore or decryption under the first encryption method and then re-encryption under the second system would not be necessary, and 2) Candelore does not teach or suggest decrypting and re-encrypting prior to sending to the recipient. Instead, Candelore selectively multiple encrypts under both encryption methods and then strips away the encrypted content not needed by the recipient before transmission. However, to assure clarity in this point, the independent claims have been amended to specify the storage and retrieval functions and that the content is stored encrypted under the first encryption system so that there can be no confusion with multiple selective re-encryption and then storage (followed by retrieval and stripping of one set of encrypted content) as described in Candelore. These amendments have no significant effect on the original meaning of the claim.

It is noted that Candelore provides certain advantages (e.g., no need for decryption and re-encryption operations) and Applicant provides certain advantages (e.g., reduced storage requirements, and no need for multiple encryption to provide content to subscribers having the first decryption system). However, Candelore fails to either teach or suggest all of the features claimed by Applicant. Moreover, Candelore teaches away from the method claimed by Applicant by providing a method that requires no decryption and re-encryption on demand by a user of the second decryption system. Accordingly, not only does the Office Action fail to establish anticipation, but further the claimed invention is clearly not *prima facie* obvious.

In view of the above, claim 1 is believed clearly not anticipated as indicated. Reconsideration and allowance are respectfully requested.

All claims dependent upon claim 1 are clearly not anticipated for at least the reasons noted above. Hence, reconsideration and allowance are respectfully requested.

All other independent and dependent claims are clearly not anticipated for the same reasons presented above. Hence, reconsideration and allowance are respectfully requested.

Application No.: 10/764,202

Concluding Remarks

The undersigned additionally notes that many other distinctions exist between the cited art and the claims. Since the features of the independent claims have not been met by the cited art, there is not need to address the dependent claims at this time. Failure to address each point raised in the Office Action should accordingly not be viewed as accession to the Examiner's position or an admission of any sort; and, Applicant reserves the right to further argue the remaining claims individually should the need arise in future prosecution.

No amendment made herein was related to the statutory requirements of patentability but instead are made to clarify that which is inherent in the claims as filed. No amendment made was for the purpose of narrowing the scope of any claim.

Interview Request

In view of this communication, all claims are now believed to be in condition for allowance and such is respectfully requested at an early date. If further matters remain to be resolved, the undersigned respectfully requests the courtesy of an interview. The undersigned can be reached at the telephone number below.

Respectfully submitted,

/Jerry A. Miller 30779/

Jerry A. Miller
Registration No. 30,779

Dated: 2/12/2008

Please Send Correspondence to:
Jerry A. Miller
Miller Patent Services
2500 Dockery Lane
Raleigh, NC 27606
Phone: (919) 816-9981
Fax: (919) 816-9982
Customer Number 24337

Application No.: 10/764,202

-10-